

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Prohibition and Excise Department - Disciplinary proceedings against Sri M.A.Haleem, P&E Inspector, Kalwakurthy, Mahaboobnagar District (now retired) for certain lapses - Enquiry - Punishment of Disciplinary proceedings - Enquiry - Penalty of 4% cut in pension for a period of three years - Orders - Issued.

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REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No. 2155

Dated:25.11.2008.

Read the following:-

- 1) C.PE, Hyd. Charge Memo Cr.NO.A3/2548/2001, Dated 23.5.2001.
- 2) From Sri M.A. Haleem, P&E Inspector, written statement of defence dt: 23.5.2002.
- 3) C.PE, Pros. Cr. NO. A3/2548/2001, Dt: 16.11.2005.
- 4) P&E Supdt. Mahabubnagar Enquiry Report in Cr. No. A1/2331/2005, Dt: 26.4.2006.
- 5) From the C.PE, Letter Cr. No. 15/2001/C.OPE/SR.I, Dt: 11.7.2006.
- 6) Govt. memo No. 33020/Vig.V(1)/2003-78, Dt: 6.10.2006 of Rev. (Vig.V) Dept.
- 7) From the Commr. P&E, Letter Cr. No. 15/2001/C.PE /SR.I, Dt: 10.9.2007.
8. Judgment Dt: 20.8.2007 in CC No. 16/2003 of Addl. Spl. Judge for SPE & ACB Cases, City Civil Court, Hyd.
9. G.O.Ms.No.1354, Revenue (Vig.V) Dept. Dt:25-11-2008.

ORDER

Sri M.A.Haleem, Proh. & Excise Inspector, SHO, Kalwakurthy, Mahabubnagar Dist., was trapped by Anti-Corruption Bureau when he demanded and accepted bribe of Rs.2,000/- from the complainant, Sri M.A. Ibrahim through Khaja Quamaruddin, Excise Head Constable on 15.3.2001. During the post trap proceedings, it was also found that Sri M.A.Haleem, P&E Inspector was in possession of Rs.930/- in violation of circular No.19/95/C.PE/Sr, dt: 7.2.1996 and also falsified the official document viz., General Diary of P&E Station, Kalwakurthy from 4.3.2001 to 15.3.2001. Keeping in view the above, Government while taking separate action for

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institution of criminal proceedings on the allegation of demand and acceptance of bribe, have directed the Commissioner, Prohibition & Excise, Hyderabad to frame charges against the individual on the above lapses. Accordingly, the Commissioner, Prohibition & Excise, Hyderabad has framed charges against Sri M.A. Haleem, P&E Inspector vide reference 1st read above. Sri M.A. Haleem, P&E Inspector submitted his written statement of defence and the Commissioner, Prohibition & Excise, Hyderabad after examination of the matter, has appointed the Prohibition & Excise Superintendent, Mahabubnagar as Enquiry Officer to conduct enquiry into the matter vide reference 3rd read above. The Enquiry Officer has submitted his enquiry report vide reference 4th read above and held that the charge is not proved against individual. The Commissioner, Prohibition & Excise, Hyderabad has furnished the enquiry report to Govt. for further action vide reference 5th read above.

2. Government have examined the findings and with regard to first charge, it was observed that the plea of the Charged Officer is that the said amount was carried by him to meet the POL Charges of the hired vehicle and if it was so, nothing prevented the charged officer from disclosing the same before entering duty in terms of the circular instructions. The I.A., erred in simply accepting this plea of the charged officer, though it is manifest that the same was obviously an after thought. The second charge against the C.O., is that he falsified the official document, namely the General diary. The I.A., without clearly meeting the detailed facts gathered by the ACB and made part of the imputations to the charge, in his inquiry and report proceeds to hold, without any discussion, that the charged officer did not falsify the General Diary, even while mentioning that the General Diary was not written upto date.

3. In view of the above, Government disagreed with the findings of Enquiry Officer and requested the Commissioner, Prohibition & Excise, Hyderabad to obtain the representation of Sri M.A. Haleem, P&E Inspector (Retd. on 30.6.2006) on the above disagreement factors vide reference 6th read above. Accordingly, the Commissioner, Prohibition & Excise, Hyderabad after obtaining the representation of the individual on the above disagreement factors has furnished the same along with the report of Deputy Commissioner, Prohibition & Excise, Hyderabad dt: 23.4.2007 to impose the penalty of 4% cut in pension for a period of (3) years vide reference 7th read above.

4. In the reference 8th read above, the Spl. Judge for SPE and ACB Cases, Hyd. pronounced judgment on 20.8.2007 finding that the A.O Sri M.A. Haleem, P&E Inspector (Retd.) guilty of the charges and convicted him for the charges. Govt. after following due procedure, have imposed the penalty of withholding of entire pension and gratuity in full permanently on Sri M.A. Haleem, P&E Inspector (Retd.) vide reference 9th read above.

5. Government have examined the present case of departmental action and taken a decision to impose a penalty of stoppage of 4% cut in pension for a period of 3 years on Sri M.A. Haleem, P&E Inspector (Retd.) and it could not be implemented since in the conviction case, the punishment of 100% cut in pension and gratuity was already imposed on Sri M.A. Haleem, Prohibition & Excise Inspector (Retd.).

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6. The Commissioner, Prohibition & Excise, Hyderabad is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SUDHIR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.A. Haleem, Prohibition & Excise Inspector (Retd)
through Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad.
The Commissioner of Prohibition & Excise, A.P., Hyderabad.
(with a request to serve the G.O. on the individual and send the served copy
with dated signature to Govt. for record.)

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.
The Director General, Anticorruption Bureau, Hyderabad.
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
PS to Minister for Proh. & Excise.,
PS to Prl. Secretary to Govt., Revenue Department.
Sf/Sc

// Forwarded:: By Order //

SECTION OFFICER.